

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Baltimore

FILE NUMBER: 200503871-2

REGULATORY PROJECT MANAGER:

Michael Danko

Date: April 4, 2006

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office __ (Y/N)

Date: _____

At the project site Y (Y/N) Date: March 10, 2006

PROJECT LOCATION INFORMATION:

State:

Pennsylvania

County:

York

Center coordinates of site by latitude & longitudinal coordinates:

040 06' 30" / 076 59' 42"

Approximate size of site/property (including uplands & in acres):

40.83

Name of waterway or watershed:

unnamed tributary to Stony Run

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X (0.08)								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:Preliminary __ Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The 40.83 acre “Area of Review” was previously used as a nursery site. The 0.08 acre Wetland A was determined to be isolated, as no channel, ditch, swale, or other drainage feature was documented to drain the wetland. This area was located to the east of Nursery Road. The area identified as Lot 1A, located to the west of Nursery Road, contained 2.13 acres of waters of the United States represented by 1.91 acres of wetlands adjacent to an unnamed tributary to Stony Run, and 0.22 acre of waters below the OHWM.